

COMPLAINT UNDER 42 USC § 1983, CIVIL RIGHTS ACT-TDCJ-ID (REV. 7/97)

Amended
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

NOV 06 2017

David J. Bradley, Clerk of Court

WILLIAM E. JOHNSON 02915512

Plaintiff's name and ID Number

HARRIS CO. SHERIFF'S JAIL

Place of Confinement

CASE NO. 4:17-cv-03023

(Clerk will assign the number)

v. KIM OGG, DISTRICT ATTORNEY

1301 Franklin St., Houston, Texas

Defendant's name and address

ED GONZALEZ, HARRIS CO. SHERIFF

1200 Baker St., Houston, Tx

Defendant's name and address

BRIAN COLLIER, T.D.C.J. EXECUTIVE DIRECTOR

209 W. 14th St., Ste 504, Austin, Tx

Defendant's name and address

(DO NOT USE "ET AL")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$150.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the applications to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as assembled by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$150 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41, (b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: Aug 6, 2014; June, 2017

2. Parties to previous lawsuit:

Plaintiff(s) William B. Johnson, Jerry Alcott, Brandon Lee, et al.

Defendants(s) T.D.C. - CID; T.D.C. - Perole Div.; Rizzit Owens, et al.

3. Court: (If federal, name the district; if state, name the county.) Western

4. Docket Number: Not available; A-17-?-0357-SS

5. Name of judge to whom case was assigned: Sam Sparks

6. Disposition: (Was the case dismissed, appealed, still pending?)
Dismiss on State Decisive Violation both times; challenged

7. Approximate date of disposition: Dec. 2014; Aug., 2017

II. PLACE OF PRESENT CONFINEMENT: Harris Co. Sheriff's Jail

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ☒ YES ☒ NO
 No grievance system exists on the matter; 1 step only exists here
 Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: William E. Johnson

1200 Baker Street 02915512

Houston, Texas 77002

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: KIM O'LEARY, Harris Co. District Attorney,

1201 Franklin St., Houston, Texas 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Violated Plaintiff's 5th 8th 9th & 14th Amendments by RETRO-
ACTIVE use of Law illegally

Defendant #2: ED GONZALEZ, SHERIFF, Harris Co Sheriff's

Off. Jail, 1200 Baker St., Houston, Tx. 77002

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Violated Plaintiff's 8th 9th & 14th Amendments by Retroactive
application of Law by way of conspiracy to commit,

Defendant #3: BRIAN COLLIER, T.D.C. EXEC. DIRECTOR,

209 W. 14th St., Ste. 500, Austin, Tx 78711

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Allowed violation of Plaintiff's 5th 6th 8th 9th & 14th Amendments
by state employee RETROACTIVE use of Ex post facto Law.

Defendant #4: DAVID GUTERREZ, Chair, Tx. Board of

Parole & Pardon, 209 W. 14th St., Ste. 500, Austin, Tx 78711

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Allowed Retroactive use of Ex post facto Laws that violated
Plaintiff's 4th 5th 6th 8th 9th & 14th Amendment Rights

Defendant #5: JOANNE WHEAT, Asst. Dir. T.D.C.J. Time Calculation &

Dept., Admin Bldg., Hwy 45 S. Service Rd, Huntsville, Tx 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Violated Plaintiff's 5th 6th 8th 9th & 14th Amendments by use
of RETROACTIVE Law illegally & knowingly,

IV

6. KEN PAXTON, Texas Attorney General, Texas Attorney General's Office, Austin, Texas 78711

Acts & Omissions:

Has allowed use of illegal legislation by State employees that violates Plaintiff's Constitutionally protected Rights

7. Lone Star Fugitive Task Force, 10 unnamed Agents, address to follow, Austin, Texas 787

Acts & Omissions:

Acted on illegal warrants knowingly & intentionally to the Plaintiff's detriment.

8. Multiple unnamed Parties, et al. (to be named)

Acts & Omissions:

Each unnamed parties acted in a way to violate by intent Plaintiff(s) Constitutionally protected Rights

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen and who was involved. Describe how each defendant is involved. You need not give any legal or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

1) KIM OGG, Harris Co. D.A., filed false charge on Plaintiff using Law RETROACTIVELY that is Ex post facto on or about July or August 2017 making for False Arrest by the Lone Star Fugitive Task Force & illegal detainment of Plaintiff by force.

2) ED GONZALEZ, Harris Co. Sheriff, allowed the illegal restraint of Plaintiff on Constitutionally violate charge, & on an illegal warrant by the non-Judicial agency of the T.D.C.G. Parole Division as well as Twice Notice was given

3) BRIAN COLLIER, T.D.C.G. Exec. Dir., is allowing State employees to illegally RETROACTIVELY apply Ex post facto Laws that clearly violate Plaintiff's Constitutional Rights.

RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Enjoin & Release to P.R; Jury Trial; Monetary Reparation in excess of \$300 million; Investigate Federal investigation

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you gave ever used or been known by including any and all aliases:

Willie

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

493576

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES ☒ NO

CONT

IV. STATEMENT OF CLAIM

3-6: Defendants Brian Cullier, Exx. Dir. T.D.C.S., David Gutierrez, B.P.P. Chairman, Jeanie White, T.O.S.S. Asst. Dir. Records & Classification, &, Ken Paxton, Tx. Attorney General, have all, in their individual and official capacities, and under color of state law, have intentionally & knowingly violated Plaintiff's civil rights under the 5th, 6th, 8th, 9th & 14th Amendments in multiple ways by:

- 1) Illegally extending a Judicially-imposed sentence of record on a BREACHED conviction;
- 2) Allowed and/or intentionally used, or allowed use of, Retrospective Laws that are Bill of Attainders that apply Double Jeopardy easily provable to a jury that violate Plaintiff(s) 5th, 6th, 8th, 9th & 14th Amendments; Tx Const. Art. 1 & 16, &, Art. 2;
- 3) Intentionally used a law(s) illegally to their own end, in violation of both the Texas Const. Art. 2, & U.S. Const. Arts. 1, 2 & 3 that deprived Plaintiff(s) of his liberty that violates the RICO Act, &, the Federal Prison Management Act.

7: Unnamed Agents of the Lone Star Fugitive Task Force intentionally & knowingly arrested Plaintiff(s) twice in violation of the 4th, 5th, 6th, 8th, 9th & 14th Amendments by refusing to show bogus warrants upon demand

IV STATEMENT OF CLAIM: Cont

7. and after being informed by Plaintiff said alleged warrants were bogus provable to jury.

8. Multiple Unnamed State employees to be named who have been informed of multiple Constitutional violations by Plaintiff to no avail where his Rights were being violated to include past Governors, Attorney Generals, Texas Rangers, Texas Parole employees, T.D.C.G. officials, etc.

- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): _____
2. Case Number: _____
3. Approximate date warnings were imposed: _____

Executed on: ¹⁰ 10/21/17
DATE

William E. Johnson
Wm E. Johnson
(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

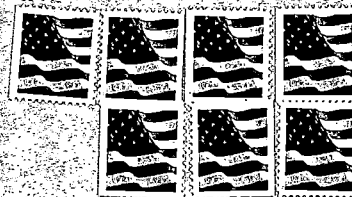
1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$150 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 21st day of October, 19 2017.
(Day) (month) (year)

William E. Johnson
Wm E. Johnson
(Signature of plaintiff)

WARNING: The plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

William E. Johnson ^{SPN} 02915512
Harris Co. Sheriff's Jail
1200 Baker Street
Houston, Tx 77002



United States Court
Southern District of Texas
FILED
NOV-06 2017
Celia A. Bradley, Clerk of Court



UNITED STATES DISTRICT COURT
SOUTHERN DIST. OF TEXAS
515 Rusk Street
Houston, Texas 77002

Legal Documents